

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

1:99CR71

STANLEY DAVIS

ORDER

This cause is before the Court on the defendant's Motion to Reinstate Benefits [73]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant complains that his SSI benefit was suspended due to the Judgment of Conviction entered in this case on or about August 21, 2000 and that the suspension violated 28 U.S.C. § 862(d)(1)(B). The statutory provision at issue excludes only those "benefits for which payments or services are required for eligibility" from the definition of a federal benefit for purposes of § 862. SSI benefits do not fall within the exception set forth in § 862(d)(1)(B) as payments are not required for eligibility. Accordingly, the defendant's motion is not well-taken and should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Reinstate Benefits [73] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 26th day of July, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE